

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON FOURGSON, }  
v. Plaintiff, }  
PENNSYLVANIA DEPARTMENT OF } Civil Action No. 09-216 Erie  
CORRECTIONS, *et al.*, }  
Defendants. }

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on August 20, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [16], filed on July 8, 2010, recommends that the Defendants' Motion to Dismiss Complaint [13] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on the Plaintiff by certified mail at SCI Forest, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3<sup>rd</sup> day of August, 2010;

IT IS ORDERED that the Defendants' Motion to Dismiss Complaint [13] be, and hereby is, GRANTED and the case is DISMISSED. The Report and Recommendation of Magistrate Judge Baxter [16], dated July 8, 2010, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
United States Magistrate Judge Baxter